IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STATES OF AMERICA

: CASE NO. 1:12 CR 449

Plaintiff

-vs-

BRANDT HOLLY

ORDER ACCEPTING PLEA

AGREEMENT AND JUDGMENT

Defendant

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Brandt Holly which was referred to the Magistrate Judge with the consent of the parties.

On 26 September 2012, the government filed a three-count indictment against Brandt Holly for conspiracy to possess with intent to distribute and to distribute cocaine in violation of 21 U.S.C. § 846 and use of a communication facility to facilitate a drug trafficking offense in violation of 21 U.S.C. §843(b). On 2 October 2012, a hearing was held in which Brandt Holly entered a plea of not guilty before Magistrate Judge McHargh. On 26 June 2013, Magistrate Judge HcHargh received Brandt Holly's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Brandt Holly is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Brandt Holly is adjudged guilty of Count One in violation of 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(B).

IT IS SO ORDERED.

Dated: July 18 2013 Hum Wells. UNITED STATES DISTRICT.